

notified prior to honoring the request. The Office of Legal Affairs shall make the notification for the Division.

Amended by R.1999 d.255, effective August 2, 1999.

See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

In (e), deleted references to the Claims Service Section throughout.

Amended by R.2007 d.157, effective May 21, 2007.

See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Rewrote (a); in (b), substituted "Division records" for "case record" and inserted "except as otherwise provided by statute or court rule"; in (c), deleted "or" preceding "assistance" and inserted ", or services"; in (d), substituted "A Division representative" for "The Division" and "each division representative" for "the division", and inserted "representative" three times; and in (e), deleted "Office of the" preceding "Attorney General" and substituted "Affairs" for "and Regulatory Liaison".

10:133G-2.3 Third party information

(a) The Division representative shall not disclose any of the following to a current or former client:

1. Any third-party report, unless the Division representative receives prior written consent from the third party and release is not prohibited by law or regulation. The following statutory provisions restrict disclosure:

i. Juvenile-Family Crisis information in N.J.S.A. 2A:4A-60;

ii. Human Immunodeficiency Virus (HIV) information in N.J.S.A. 26:5C-5 et seq.;

iii. Drug and alcohol treatment records in 42 CFR 2.1 et seq.; and

iv. Domestic violence information in N.J.S.A. 30:14-1 et seq. and N.J.A.C. 10:130-2.8;

2. Any record containing information identifying a third-party source of information, for example, reporter, other family member, collateral contact, unless the Division representative receives prior written consent from the third party and disclosure is not prohibited by law or regulation;

3. Information about another person, except with the express written consent of the other person and when not prohibited by law or regulation; or

4. Information which would, if disclosed to the client, be likely to endanger any person's life or safety as based on the client's known past behavior and threats against himself, herself, or others. The Division representative shall base the determination on the Division representative's and his or her supervisor's evaluation of the nature and seriousness of the case and an assessment of the client's propensity for violence and harm to the child and others.

Amended by R.2007 d.157, effective May 21, 2007.

See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

In the introductory paragraphs of (a) and (a)1 and in (a)2, inserted "representative"; in (a)1ii, substituted "Human Immunodeficiency Virus (HIV)" for "HIV"; in (a)2, substituted "for example, reporter," for "e.g., referral sources"; in (a)3, substituted "or" for "and" preceding "regu-

lation"; and in (a)4, substituted "The Division representative shall base the determination" for "This determination shall be based".

10:133G-2.4 Minor client

(a) A current or former minor client may receive information contained in the Division's case record, which has not been previously disclosed, through a request made by the minor client's parent, except when the circumstances in (c) below apply.

(b) When providing information to a minor client, the Division representative shall present that information in a manner determined by the Division representative to be consistent with and appropriate to the minor client's age or condition, to enable the minor client to understand the basis for the Division's involvement, the minor client's ability to cope with the information, and, for a current minor client, the minor client's ability to participate in the development, discussion, or implementation of the case plan pursuant to N.J.S.A. 9:6-8.10a.c. Information which may be disclosed on behalf of a minor client is limited in the same manner as described in N.J.A.C. 10:133G-2.1 through 2.3.

(c) A Division representative may make an exception to the parental request requirement when:

1. The information sought is not restricted by law, regulation, or policy; and

2. The requirement of parental involvement would interfere with the child's right to privacy (for example, a female child who has had a pregnancy or abortion of which her parent has no knowledge) or interfere with other rights the child may have as a result of circumstances making him or her an emancipated minor.

Amended by R.1999 d.255, effective August 2, 1999.

See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

In (a), inserted a new second sentence.

Amended by R.2007 d.157, effective May 21, 2007.

See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

In the first sentence of (a), substituted "(c)" for "(b)"; recodified the former second and third sentences of (a) as (b); in (b), inserted a comma following "discussion"; and recodified former (b) as (c) and rewrote.

10:133G-2.5 Adult adoptee

All court records and information relating to adoption proceedings are sealed upon the legal finalization of the adoption pursuant to N.J.S.A. 9:3-52. Since the Division's records contain sealed court records, each Division employee shall treat these records as confidential. The Division representative shall disclose to an adult adoptee non-identifying information available in the Division's records in accordance with N.J.A.C. 10:121A-5.9(b)2. The Division representative shall disclose identifying information to an adult adoptee about any birth family member or other person who has given his or her written consent to the Division.

Amended by R.2007 d.157, effective May 21, 2007.

See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Substituted "each Division employee shall treat" for "the Division treats"; and inserted "representative" two times.

SUBCHAPTER 3. RELEASE OF CLIENT INFORMATION TO PERSONS OTHER THAN THE CLIENT

10:133G-3.1 Protective service information

(a) A Division employee shall disclose protective service information, with or without a client's consent, only in those circumstances pursuant to statute, including N.J.S.A. 9:3-54.2 and 9:6-8.10a, when a Division employee determines that the person or agency has made a reasonable demonstration of the need to know the information, such as for conducting meetings to engage families, and in consideration of the risk of harm to the child and others. No person shall have unrestricted review of the records or general access to the information contained therein except as otherwise provided by statute or court rule, or unless ordered by a court or the Office of Administrative Law in accordance with N.J.S.A. 9:6-8.10a.b(6).

(b) A Division representative shall notify the police or local law enforcement authority of each substantiated incident of abuse or neglect involving a child who resides within their jurisdiction in accordance with N.J.A.C. 10:129-7.5(e) and (f).

Amended by R.1999 d.255, effective August 2, 1999.
See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

Rewrote the section.

Amended by R.2007 d.157, effective May 21, 2007.
See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Rewrote (a); and in (b), updated the N.J.A.C. reference.

Amended by R.2012 d.015, effective February 6, 2012.
See: 42 N.J.R. 3034(a), 44 N.J.R. 263(a).

In (b), updated the N.J.A.C. reference.

10:133G-3.2 Child welfare information

A Division employee shall disclose child welfare information only with the client's prior consent, except in an emergency, in which case a Division representative shall advise the client of the request and disclosure at a later time. With the client's consent or in an emergency, a Division employee shall disclose information about that client, subject to the limitations and provisions set forth in 45 CFR 205.50, 45 CFR 1355.21, 45 CFR 1355.30 and N.J.S.A. 30:4-24.3, and only to a person or agency representative who is subject to standards of confidentiality comparable to those of the Division and only to a party who presents a reasonable demonstration of the need to know the information requested, for example, information needed to provide medical, psychological or social services to the child or family, except when restricted by law or N.J.A.C. 10:133G-2.3(a)1. No person shall have unrestricted review of the case records or general access to the information contained therein, except as otherwise provided by statute or court rule.

Amended by R.2007 d.157, effective May 21, 2007.
See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Substituted "A Division employee" for "The Division", "a Division representative" for the first occurrence of "the Division", "a Division employee" for the second occurrence of "the Division" and "records" for "record", and inserted "except as otherwise provided by statute or court rule".

10:133G-3.3 Third party information

(a) A Division employee shall not disclose the following forms of third party information to a requester, except as provided by law:

1. Third-party reports, unless the Division receives prior written consent from the third party and disclosure is not prohibited by law or regulation, such as those cited in N.J.A.C. 10:133G-2.3(a)1i, ii, iii, and iv;

2. Information identifying a third-party source of information, for example, the reporter or other family member, unless the Division receives prior written consent from the third party and disclosure is not prohibited by law or regulation; or

3. Information which would, if disclosed to the client, be likely to endanger any person's life or safety as based on the client's known past behavior and threats against himself, herself or others. A Division representative shall base this determination on the Division representative's and his or her supervisor's evaluation of the nature and seriousness of the case and an assessment of the propensity for violence and harm.

(b) When the Division representative requests a third party report to process a residential placement or other service, or apply for government benefits, the Division representative shall inform and obtain the consent of the third party at the time of request that the information may be disclosed to others to obtain a needed service or government benefit.

(c) A Division employee shall disclose third party reports to an agency or person who is subject to standards of confidentiality comparable to those of the Division, such as a physician, psychotherapist, health or mental health agency, when:

1. The Division has guardianship or custody of the child;

2. Disclosure of the information is necessary for the child's or parent's care, treatment or supervision;

3. Disclosure is not prohibited by law or regulation, such as those cited in N.J.A.C. 10:133G-2.3(a)1i, ii, iii, and iv;

4. The Division employee has considered the risk of harm to the child and others; and

5. The third party has given his or her consent, in accordance with (b) above.

Amended by R.2007 d.157, effective May 21, 2007.
See: 38 N.J.R. 1634(b), 39 N.J.R. 2115(b).

Rewrote the introductory paragraph of (a); in (a)2, substituted "the reporter" for "referral source"; in (a)3, substituted "A Division representative shall base this determination" for "This determination